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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
BERNARDO VIRUEL PEREZ, )  
 )  
Defendant. )

No. CR 09-1026 JSW

**[PROPOSED] ORDER EXCLUDING  
TIME FROM JANUARY 7, 2010 TO  
MARCH 11, 2010**

The parties appeared before the Honorable Jeffrey S. White on January 7, 2010. The Court advised the parties that it needed a more complete presentence report before it would accept the parties' proposed plea agreement. With the agreement of counsel for both parties and the defendant, the Court now finds as follows:

1. That the time from January 7, 2010 to the next hearing, currently scheduled for March 11, 2010, is excluded under the Speedy Trial Act, 18 U.S.C. § 3161, because the proposed plea agreement is currently under consideration by the Court, pending some additional investigation to prepare a more complete presentence report. 18 U.S.C. § 3161(h)(1)(G).

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2. Further, the parties nonetheless agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from January 7, 2010 to March 11, 2010. Failure to grant the requested continuance would unreasonably deny counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence and the need for counsel to review discovery and conduct follow-up investigation on information contained in the Modified Presentence Investigation Report.

3. Given these circumstances, the Court finds that the ends of justice served by excluding the period from January 7, 2010 to March 11, 2010, outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

4. Accordingly, and with the consent of the defendant, the Court orders that the period from January 7, 2010 to March 11, 2010, be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

IT IS SO STIPULATED.

DATED: January 8, 2010

/s/  
\_\_\_\_\_  
JODI LINKER  
Counsel for Bernardo Viruel Perez

DATED: January 8, 2010

/s/  
\_\_\_\_\_  
BRIAN C. LEWIS  
Assistant United States Attorney

IT IS SO ORDERED.

DATED: January 11, 2010

  
\_\_\_\_\_  
JEFFREY S. WHITE  
United States District Judge